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| 09/820,982      | 03/30/2001  | William J. Tumulty   | 05793.3034          | 4192             |

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EXAMINER

ALIMENTI, SUSAN C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/820,982

Applicant(s)

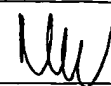
TUMULTY ET AL.

Examiner

Susan C. Alimenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 4, 12-21, 25 and 33-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 22-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The rejection of the final office action dated 9 February has been withdrawn. Prosecution on the merits continues as follows:

#### ***Election/Restrictions***

2. Claims 4, 12-21, 25 and 33-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12 August 2004.

3. Applicant's election with traverse of Group I, A, c, i in the reply filed on 8 August 2004 is acknowledged. The traversal is on the grounds that (1) the examiner has not shown that there would be a serious burden to examine all claims and (2) the examiner has already examined the claims. This is not found persuasive because, with regard to argument (1), each species comprises unique, complex features that require individual search, and pose additional serious burden on the examiner. Regarding argument (2) above, whether the examiner has reviewed the claims previously is irrelevant to the present prosecution of the application. Since the former rejection has been withdrawn, the examiner has reconsidered the limitations of the claims and conducted a completely new search.

The requirement is still deemed proper and is therefore made FINAL.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-11, 22-24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,487,291), and further in view of Khouri et al. (US 6,665,396).

Walker et al (Walker hereafter) discloses the claimed system and method for prioritizing a customer inquiry comprising reception an inquiry from a customer (Walker, col.3, ln.29), retrieving customer information associated with an identification number, (col.5, lns.3-9), computing a prioritization score (col.5, lns.65-67), and ranking the calls based on their prioritization score (col.6, lns.20-39). Where additional customer information is needed, the customer is prompted to answer an inquiry, determining the customer's likelihood to purchase a product (col.5, lns.52-64). The recorded customer information comprises financial type information.

While Walker does not positively mention that the customer may input an identification number that represents a customer account or record, he does mention several times that a repeat customer would have a saved record or history (e.g. col.6, lns50-52). It is further noted that the

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method wherein a customer inputs an ID or password to associate that customer with their respective account, is very well known in the art. An example of such a method is taught by Khouri et al. (Khouri hereafter). Khouri discloses a similar system and method for prioritizing customer inquiries wherein “the caller may be asked to provide an access code or user ID” to determine their priority and appropriate placement in a queue (Khouri, col.6, lines. 54-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Walker’s caller prioritization system to allow the user input an ID, password, or account number in order to allow Walker’s system to recognize the caller and retrieve that caller’s history.

Regarding claims 7 and 28, Walker does not positively express how the system ranks calls in the same queue with the same priority. Walker does disclose that the well-known method of queuing calls is based on the time they were received in the call center (Walker, col.1, lns.36-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to rank identically prioritized calls by their timestamp, since this is a well known default modes of such call managing systems.

7. Claims 1-3, 5-11, 22-24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cambray et al. (US 5,278,898) and further in view of Khouri (US 6,665,396).

Cambray et al (Cambray hereafter) discloses the claimed system and method for prioritizing a customer inquiry comprising receiving an inquiry from a customer 12, retrieving customer information associated with an identification number, (Cambray, col.3, lns.5-19), computing a prioritization score 26, and ranking the calls based on their prioritization score

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(col.3, lns.39-42). Cambray broadly mentions that the caller may be recognized by some type of "indicia" other than a telephone number (Cambray, col.3, lns10-11). Khouri more specifically mentions that the customer may enter an access code, password, or ID that allows the system to recognize them (Khouri, col.6, lns.55-59 & claim 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user input an ID, password, or other similar indicia in order to allow Cambray's system to recognize the caller and retrieve that caller's history.

Where additional customer information is needed, the customer may be prompted to answer an inquiry so the system (col.5, lns.52-64). Regarding claims 3, 8, 24, and 29, Cambray is not specific as to the type of information that is recorded about the customer, however, financial information is well known to be part of a company's records on a customer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to record financial type information about a customer in order to better inform the company about the customer's history.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited in this action and not directly relied upon are included to further define the state of the art with regard to call managing and prioritizing systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360.

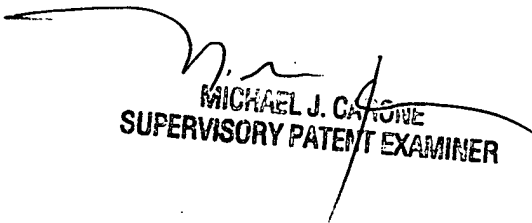
The examiner can normally be reached on Monday-Friday, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER